

State of Alaska
Department of Labor and Workforce Development

Division: Business Partnerships

Policy: 1003 Final

Subject: Grant Solicitation, Award and Appeal

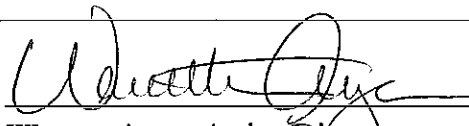
Pages: 5

Reference: 29 CFR Part 97.20-26 of Federal Regulations; State Procurement Code AS 36.30.430-460; and Alaska Statute AS 37.05.315-325

Effective: 1/1/14

Revised: N/A

Approved:


Wanetta Ayers, Acting Director

12/26/13
Date

1) Parties Affected

This policy applies to grant recipients that receive public funds through the Division of Business Partnerships (DBP).

2) Purpose

This policy provides DBP grant recipients with guidance on the requirements for awarding, amending and appealing grants from DBP.

3) Definitions

- a) *Commissioner* means the Commissioner of the Alaska Department of Labor and Workforce Development (DLWD) or designee.
- b) *Director* means the Director of the Division of Business Partnerships within the Alaska Department of Labor and Workforce Development or designee.
- c) *Grant* for the purpose of this policy is all of the documents included in the contractual agreement between DBP and a grant recipient. Grant does not include Reimbursable Services Agreements with other state agencies where funds are provided for services to the public.
- d) *Request for a Grant Application* (RGA) is an electronic response to a RGA through the DPB's grant management system, EGrAMS in which an interested party provides DBP with information on a proposed job training project and its outcomes, their qualifications to conduct the proposed project, and their estimate of the amount of funds required to complete the proposed activities.

- e) *Grant Award* is the provision of funding to a grant recipient that occurs when the grant agreement is signed by the Department of Labor and Workforce Development.
 - f) *Grant Recipient* is the organization or entity specified in a grant agreement to receive grant funds for the purpose of implementing the proposed training project.
 - g) *Interested Parties* are individuals or organizations that are interested in grants awarded by DBP.
 - h) *Non-Competitive Award* is an award that does not follow the solicitation process. It also may be termed as a designated award.
 - i) *Notice of Denial* is a formal announcement by DBP that an interested party's grant application was not selected for a grant award.
 - j) *Notice of Intent to Award* is a formal announcement by DBP of its intention to award one or more grants under a competitive solicitation or a non-competitive award.
 - k) *Other Governmental Agencies* are non-state governments, which may include municipalities, local school districts and federally recognized Alaska Native tribal organizations.
 - l) *Program Coordinator* is the DBP staff person designated with overseeing the solicitation and award of a grant or grants under one of DBP's funding resources.
 - m) *Solicitation* is a formal or informal process followed by DBP staff in which interested parties are provided information on a proposed job training project or activity and which results in a grant application.
 - n) *Solicitation File* is a file that DBP maintains to document how a grant was solicited and the basis by which the award was made.
- 4) **Policy**
DBP and other interested parties shall comply with the procedures identified in this policy for the solicitation and award of grants.

5) **Requirements**

a) **Policy Exemptions**

This DBP Grant Award Policy does not apply to the following:

- i. Grants and other agreements with state agencies;
- ii. Grant agreement, Reimbursable Service Agreements (RSAs) and contracts with other governmental agencies to promote inter-governmental cooperation and partnerships, and increase the level of public trust; and,

- iii. The procurement of goods and services required for the daily operations of DBP, including professional services contracts, which are covered by the State of Alaska Procurement Code found at Alaska Statute 36.30.

b) Competitive Grant Solicitations

- i. DBP may issue competitive grant awards in accordance with the requirements of this section. DBP staff prepares a formal Request for Grant Applications (RGA). The RGA document is approved by the Director and the Commissioner.
- ii. The RGA provides a minimum of 30 days from the date of issue to the deadline for the receipt of the grant applications. The Director and the Commissioner reserve the right to reduce the length of solicitation when it is in the best interest of the state.
- iii. At a minimum, an announcement, the RGA, and any accompanying documents are posted on the State of Alaska public notices web page.
- iv. The program coordinator determines if the RGA or some equivalent announcement is sent to interested parties by electronic mail.
- v. The Director may decide to promote the RGA via other media, based on staff recommendations and other factors.
- vi. The RGA shall specify the location, time and date for receipt of the electronic grant applications. Applications received after the deadline are non-responsive and shall not be evaluated or considered for an award.
- vii. Following receipt of the grant applications, the program coordinator and other DBP staff determine if the applications are responsive to the requirements of the RGA. If an application is determined non-responsive, the application receives no further consideration.
- viii. If the RGA specifies that a review committee is to be convened, then the program coordinator, with the Director's approval, selects a review committee of at least three and no more than five independent persons who have knowledge of the labor market, training programs, and other factors noted in the grant solicitation.
- ix. The grant applications deemed responsive by DBP staff are provided to the review committee. Committee members shall read the applications and evaluate them according to the criteria contained in the grant solicitation.
- x. The review committee meets in person or by teleconference to discuss the merits and detriments of the responsive grant applications. The meeting shall be facilitated by the program coordinator or another person approved by the Director. The evaluation committee members may change their initial evaluation of an application based on the discussion. The committee shall make recommendations about the applications, including those that merit funding. The Director reserves the right to accept or reject the recommendations of the review committee.
- xi. Following the review committee meeting and scoring, the program coordinator and other DBP staff make award recommendations to the Director. The staff recommendations are based upon the amount requested, alignment with DLWD goals or priorities, past performance on similar

projects, regional allocations, and other relevant factors as requested by the Director.

- xii. The Director accepts or rejects the staff recommendations and makes award recommendations to the Commissioner. The Commissioner accepts or rejects the Director's recommendations and determines which applications are funded and the amounts of the awards. The Department is not required to select the applications with the lowest costs.
- xiii. Upon approval or selection by the Commissioner, the program coordinator ensures that Notice of Intent to Award letters and Notice of Denial letters are prepared. The letters are signed by the Commissioner.
- xiv. DBP staff determines whether or not the applicant has passed the Division's due diligence procedures. Applicants that fail due diligence are notified of the reason for failure and are provided 30 days to correct the deficiency. If the applicant is unable to correct the problem within the 30 days, the grant may be withdrawn.
- xv. Following the issuance of the Notices of Intent to Award or Denial, the program coordinator and other DBP staff negotiate the grant agreement and budget. If there are no appeals, the agreement is executed after the 10 working day appeal period passes and agreement is reached on the terms and conditions of the grant.
- xvi. If there is an appeal of the grant award, no grants from the solicitation will be executed until after the Commissioner or designee issues a written decision on the appeal in accordance with this policy.

6) Non-competitive Awards

DBP may issue non-competitive grant awards in accordance with the requirements of this section.

- i. The award of the grant is designated by state appropriation or federal grant award; or
- ii. A competitive solicitation was conducted for a similar project within the previous 12 months and it resulted in less than four acceptable and interested parties responding and more than 25 percent of the funds remain available; or
- iii. An emergency situation exists which requires an immediate response that cannot wait for the results of a competitive solicitation or;
- iv. There is only one entity that provides the required grant activities, such as an industry consortium or the project requires copyrighted or patented materials; or
- v. The entity is determined to be clearly and uniquely qualified to provide the requested grant activities or;
- vi. The entity has clearly demonstrated superior performance with similar projects in meeting DBP goals and objectives with past projects as quantitatively measured by the following:
 - a. Served at least 15 percent more participants than originally planned at the original budgeted costs; or,
 - b. Provided the requested services and served the agreed upon number of participants for at least 15 percent less than the budgeted amount; or,

- c. Surpassed all required performance outcomes by 10 percent or more of the state's required performance level.
- vii. All non-competitive awards must be fully justified and documented in the grant file.
- viii. All material, non-competitive awards must be approved by the Commissioner prior to negotiation of the grant agreement.

7) **Responsibilities**

- a) DBP staff is responsible for ensuring that all grant awards and amendments are made in accordance with the requirements of this policy.
- b) Interested parties must submit a grant application in accordance with the requirements and procedures provided in this policy for the application to be considered for funding.
- c) An aggrieved interested party must submit an appeal of a Notice of Intent to Award or Notice of Denial in accordance with the requirements of policy 260.00 before the appeal considered.